

Gulfport, MS

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

THE GULFPORT STEVEDORING ASSOCIATION-
INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION CONTAINER ROYALTY PLAN

and

Case 15-CA-096939

TOMMY EVANS

INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION LOCAL 1303

and

Case 15-CB-096934

TOMMY EVANS

SECOND SUPPLEMENTAL DECISION AND ORDER

On October 22, 2015, the Respondent, the Gulfport Stevedoring Association-International Longshoremen's Association Container Royalty Plan (Respondent Plan), filed with the Board in Washington, D.C., an Application for Attorney's Fees and Expenses pursuant to the Equal Access to Justice Act.¹ By Order dated November 2, 2015, the Board referred the Respondent's application to Administrative Law Judge Michael A. Marcionese for appropriate action; and since Judge Marcionese has retired the matter was referred to Administrative Law Judge Eric M. Fine. Thereafter, on December 9, 2016, the Administrative Law Judge issued his Supplemental Decision and Order granting the General Counsel's motion to dismiss the Respondent's application for attorney's fees under the Equal Justice Act and, on the same date, the proceeding was transferred to and continued before the Board in Washington D.C. In his Supplemental Decision and Order, the Administrative Law Judge found that the General Counsel's position was substantially justified with respect to the allegation in the complaint regarding the EAJA application for fees and expenses filed by the Respondent Plan.

No statement of exceptions having been filed with the Board, and the time allowed for such filing having expired,

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, and Section 102.48 of the National Labor Relations Board Rules and Regulations, the Board adopts the findings and conclusions of the Administrative Law Judge as contained in his Supplemental

¹ Respondent Plan also filed on October 22, 2015, a Motion to Withhold Information from Public Disclosure.

Decision and Order, and the recommended Order of the Administrative Law Judge becomes the Order of the Board. Accordingly,

The Respondent's Application for Attorney's Fees and Expenses is dismissed.

Dated, Washington, January 27, 2017.

By direction of the Board:

/s/Farah Z. Qureshi

Associate Executive Secretary